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THE
H O N O U R
OF THE
MAGISTRATE
ASSERTED.
IN A
SERMON

PREACHED

At the Assizes holden at *Lincoln* on Monday, *March* the 23. 167³/₄.

BY

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L O N D O N.

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Collegium Magdalensæ Acad. Cantabr.

TO HIS
Much Honoured and Dearly Beloved
Brother, JOHN LODINGTON Esq;
High Sheriff of the County of Lincoln.

Dearly Beloved Brother,



Though I have ever been desirous to avoid all Occasions of publick appearance, yet when your affaires required, I did immediately and chearfully undertake this Service; choosing rather to expose my abilities for performance to censure, then to give the least suspicion of any unwillingness to serve you. Nor was it onely my great affection to you, and your great kindness to me; that did move me hereto (though either of these considerations, had been prevalent with me,) but that great respect and love, which I have for many years observed you to bear unto the Orthodox and Loyal Clergy. And being encouraged by the Approbation this Sermon had from many judicious and worthy persons of that Honorable and great Assembly to which it was preached, to make it yet more publick; the same reasons which moved me to undertake the composing and preaching of it, do also direct and determine me in the Dedication of it.

I have in this discourse endeavoured to give the Magistrate his due Honour, and that happy Government, under which we of this kingdom live, it's due Encomium. You have, in the late times of trial, by your suffering the plunder of your Estate, and the evil intreating and imprisoning of your Per-

The Epistle Dedicatory

son, manifested your esteem of, and loyalty to, that Government, which then was most injuriously (to say no worse) affronted and spurned at, but is now happily restored and established; and will therefore (I presume) be ready to countenance any attempt, that is made, for the further advancing of what you have suffered so much, to preserve and maintain; I mention your Loyalty, not onely to represent you a fit person to undertake the Patronage of a discourse of this nature, but also to perpetuate the memory of it, to the deserved Praise, of your self, and those many other worthy persons in whom it was found. For though, that now, through the mercy of God to this Kingdom, his Majestie having power restored to him, both to command and reward obedience, it is no special Commendation to any Person to be a dutifull and loyal Subject; yet then was it signally praiseworthy, to dare to be Loyal, when, so to be, had such dreadful effects attending upon it.

That Almighty God would bless you in your Person, in all your Relations, and in all your Concerns, is the hearty desire and earnest Prayer of

Welby.

Your most affectionate and

June. 27. 1674.

much obliged Brother,

Tho. Lodington

AN

Affize-Sermon.

Pfal. 82. 6, 7.

I have said, ye are Gods: and all of you are Children of the most High.

But ye shall die like men, and fall like one of the Princes.



AN, by reason of his discursive Faculty, and that way peculiar to himself, of communicating the Conceptions of his mind by speech, doth naturally desire Society: And since Sin and Lust have depraved his nature, and Satan hath so enlarged his Empire in the World, that *He that departeth from evil maketh himself a prey*, as the Prophet speaks, which the Punick Proverb thus expresseth, *nisi lupus sis, luporum pradam te esse oportet*; this natural desire is turned into absolute necessity; that good men, who cannot admit of that

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way of securing themselves, by joyning themselves into the combinations of evil doers, may enter into mutual associations and confederacies among themselves, the only lawful and availing means to preserve themselves from rapine and violence.

This natural *propensity* to it, and that great *necessity* for it, made the Hebrews to express their desire of society by that *Catholick* saying, *Aut societas, aut mors.*

Societies cannot be framed, much less established and preserved without *Government*; and that must be settled upon certain Rules and Laws, and be managed by them. To this is required, that there be certain persons qualified and authorized to enact Laws, and to execute the same. These are *Magistrates*, whom God, the supreme Lord, hath exalted and ordained to be his *Vicegerents* in this lower World, to act by his authority, and according to his will, in governing the world in righteousness and peace. To this end God hath armed them with a Sword, to put the *Laws* in Execution, that they may be, not only wholesome *Rules* to direct unto all good Conversation, such as shall think good to make use of them; but powerful *Commands* to require obedience from all sorts of persons, and to inflict due punishment upon the disobedient.

And to signify to the World, what honour God hath given to *Magistrates*, and what service he requires at their hands, he hath called them by his own *name*, set them on his own *Throne*, and armed them with his own *Power*. *I, have said, ye are Gods, and all of you are Children of the most High: But ye shall die like men, and fall like one of the Princes.*

The People of *Lystra*, when they had beheld the persons of *Paul* and *Barnabas*, and seen the kindness done them, in the miraculous cure of their impotent neighbour,
lifted.

lifted up their voices, saying, The Gods are come down to us in the likeness of men.

When we behold the persons of our *Magistrates*, and see the happy effects of their government, that every man sits under his own Vine, and under his own Fig-tree in peace, and is preserved in his just rights, religious and civil, we may say of them, *The Gods are come down to us in the likeness of men*: Or in the Phrase of the Text, 'Though as to their persons they are *Men*, yet in respect of their office, they are deservedly reputed *Gods*, seeing they are so stiled by God himself, and have those blessings to dispence to us from God, of which God alone is the disposer.

In the Text there are two *General Parts*.

1. The high *Honour*, great *Authority* and *Power* of the *Magistrates*, declared and avouched under that most splendid and magnificent Title given unto them by God himself, *I have said, ye are Gods, and all of you are Children of the most High*.

2. Their *infirmity* and *low condition*, in respect of their nature. Though they are *Gods* by *office*, yet they remain *men* still by *nature*, and are of the same mortal frame as they were, and as other men are. *But ye shall die like men, and fall like one of the Princes*. Their advancement to the *name* and *office* of God, doth not divest them of the *nature* of man. Their sitting upon an *Earthly Tribunal*, to give sentence upon *men*, and their causes, doth not privilege them from standing at a *Higher Tribunal* to receive a sentence from God upon *themselves*.

The Discretive, *But*, limits the Title given in the former verse. The *Chaldee Paraphrase* reads the whole Text in a lower strain. Thus the Latine version, *Velut Angeli, vos estis reputati*; A double allay in the stile; instead of

Gods they are called *Angels*; and instead of their being, they are but reputed *Angels*. *Attamen in veritate, sicut homines moriemini*. Though you are in reputation *Angels*, immortal creatures, not obnoxious unto death; yet in reality and truth, you are *men*, and shall die like *men*: אדם like *Plebeians*, men of lowest quality, and frailest nature, who have the least helps to preserve life and prevent death.

Ego dixeram Deos esse vos : nunc autem sicut homines moriemini: thus the *Syriack* is rendred. God seems to revoke his large Commission given to *Magistrates*, and to take away the Honour he had bestowed on them, upon supposal of their male administration of Government; and because they do not live and act like *Gods*, he will now have them to die like *men*.

The like revocation, as this seems to be, God makes of his gracious Grant to *Eli*, concerning the succession of his Family in the Priest's office, 1. Sam. 2. 30. *I said indeed that thy House and the House of thy Father should walk before me for ever; but now the Lord saith, be it far from me, for them that honour me I will honour, and they that despise me shall be lightly esteemed*. And likewise to King *Saul*, concerning the establishment of the Kingdom in his House. 1. Sam. 13. 14. *But now thy kingdom shall not continue*.

But I do not take the latter verse to be a repeal of the law in the former, which constitutes *Magistrates*, *Gods*; but an *Interpretation* and *restriction* of it, how far and in what sense they are to be so taken.

And thus the most wise and gracious God knowing that the sacred Ordinance of the *Magistracy* will be spurned at, and the persons of *Magistrates* affronted, as King *Saul* was, by men of *Belial*, he provides for their security, by giving them such a *Title*, and such a *Power*, as is able to set them above the reach of all attempts.

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The *Crown* of thorns set upon the head of *Christ*, was done in mockery by the Souldiers, as if such a *Crown* were good enough for him, who in their esteem was a person of low degree, and had no other Title to a Kingdom than a bold pretence; and fittest for him who was going to suffer a painful and ignominious death. Yet is it a *Hieroglyphick* of the cares, troubles, and dangers that attend *Crowns*; which, foreseen and considered, are able to cause wise men to refuse the office of a Ruler, and to say as the Trees in the Parable, Judg. 9. *Should I leave my fatness, Should I forsake my sweetness, Should I leave my wine, and go to be promoted over the Trees?*

Therefore to encourage such Persons, whom in his providence he calls to sit at the Stern, to undertake government, and to strengthen their hands to it; and also to cast an awful regard both of their *Persons* and *Commands* upon all men, God puts upon them the name of himself, *Who is the blessed and only Potentate, the King of Kings and Lord of Lords.*

Again on the other hand, God knowing how apt the corrupt nature of man is to advance too high, under great Titles, and to abuse great Trust unto actions unworthy of their place; He gives timely check to such high towering thoughts, he puts his own construction upon his own words, and sets limits to that his large *Pattent*, by which he confers such great Honour and Command upon them, *But ye shall die like men.*

1. That *Magistrates*, whom God is pleased thus highly to honour, may in the Psalmist's phrase, *Be put in fear, and may know themselves to be but men*, and may consider, that though their office be great, their employment honourable, their abilities for discharge eminent, yet they are not advanced out of the rank of men, nor exempted from,

from that law which all men are under, Heb. 9. 27. *It is appointed unto all men once to dye, but after this the judgment.* No circumstance of *Title, Place, Trust, or Ability*, will set any any above the reach of that *Law of Nature and Decree of God*. That so when they come to lay down their great Office with their frail nature, this may be said to their honour in their Funeral Orations, which *Pliny* in his *Panegyrick* says of the Emperour *Trajan*, *non minus hominem se esse, quam hominibus præesse, meminit* : That he himself was a man, was no less in his thoughts, than that he was a Prince over men.

2. That People may know what Honour and what Obedience to give their *Magistrates*. *Render to all their due: Fear to whom Fear, Honour to whom Honour.*

As well *what*, as to *whom*, is to be considered.

We must honour and obey *Magistrates*, as *men*, whom God hath honoured, and will have us to honour ; *Aien*, called by the name of God, invested with his authority : but yet remaining *men* still, and therefore must not be adored as God, and obeyed with active obedience as God himself in all Commands whatsoever.

We must not Idolize men, and from a Sense of the high merit of able and faithful *Rulers*, advance them higher in our hearts, then God hath presented them before us. On this account came into the World most of the *Heathenish Idolatry* : Those ancient *Heroes*, who by their clemency, magnanimity, and Victorious success, did famous acts for the delivering, preserving, and enriching their People, were by them, partly out of gratitude to such noble benefactors, partly to recommend their Virtues to the imitation of succeeding Princes, exalted to the style of Gods. And some victorious Kings, lifting up themselves upon the high thoughts of their successes and enlargments
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of dominion, have affected the *Title* and *Worship* of Gods.

I shall confine my self to the *First General* part, and therein observe *Three Particulars*.

1. *Who* it is that speaks: *I have said*. The Pronoun *Ego* hath no *lower* reference than to the most *High* God. He hath said, who may best, even God, who hath a natural Sovereignty over all Creatures by right of Creation.

2. *To whom* doth God speak: *Te*. As the former Pronoun relates to the *Greatest* in *Heaven*, so this to the *Greatest* on *Earth*. God the supreme Lord speaks to *Magistrates* his *Vicegerents*.

3. *What* is spoken by God of *Magistrates*. Great honour is given to them; they are intrusted and imployed in the great affaires of the World.

I have said, that ye are Gods, and all of you are Children of the most High.

All things Concurr to put a special remark upon the whole matter, *Magna vis in hoc Pronomine Ego*. But when every word is *Emphatical*, there must be a great force in the saying to command our attentions: when the great God speaks great things to the great men of the Earth, great notice is to be taken of what is said.

1. Of the *First Particular*: *I have said*. To prove that it is God, who here speaks, I shall produce one *Authentick* testimony, which alone is so sufficient proof that it might supersede all other. It is that of the Son of God, Joh. 10. 34, 35. *Jesus answered them, is it not written in your Law, I said ye are Gods. If he called them God's — If God called them God's —* so the *Persian* translation reads it. Thus the *Latin* version, *Si de eis loquens, ad quos sermo factus est, Deus illos Deos dixit*.

To strengthen the reputation of this version, I shall mention a place in the Law, where God calls *Magistrates* Gods, Exod. 22. 28. *Thou shalt not revile the Gods, nor Curse the Ruler of thy People. Idem his dictum:* the latter Clause is Exegetical, and puts a construction upon the former: *Rulers* are called *Gods*.

I have made thee a God to Pharaoh, Exod. 7. 1. Thus God speaks expressly to Moses whom he intended to make his Captain General to bring Israel his People out of Egypt, and his *Vice-Roy* to govern them.

I have made thee a Prince to Pharaoh ; I have made thee a Lord in the business of Pharaoh ; so the Eastern Language read it. And that he might not want a meet Attendant of a God, God appoints Moses a Prophet ; *Aaron thy Brother shall be thy Prophet.*

So known a thing was it to the People of Israel, that God did call *Rulers* by the name of *Gods*, that they themselves also called them by the same name, Exod. 32. 1. *When the People saw that Moses delayed to come down — they said to Aaron, Up, make us Gods, which shall goe before us: for as for this Moses, the man that brought us up out of the land of Egypt, we wot not what is become of him.* They do not say (as the learned Rabbins observe) make us Gods, *whom we may worship*, but, Gods *which may goe before us.*

They asked a *Captain* and a *Governor* that might rule over them in Military and Civil affaires. For whatsoever they asked, it was to supply the absence of *Moses* ; but him they never had for a *God*, but as a *Prince* and a *Captaine.*

And St. Jerome gives this Etymology of the name of *Samuel* *לֵא נָמַנְהוּ* *nomen ejus Deus*, to signifie, that he, who by his mother was dedicated to God, to serve him in the

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Tabernacle, was designed by God, to serve him in the State, as Judge over Israel.

God hath said.

1. Then there is a *Truth* and *Reality* in the thing. It is not a *Complement* passed upon *Magistrates*, ascribing that to them that doth no way belong to them; *what* God says they are, *that* they are. *Dictum factum*: with God no sooner said but done. The whole World was made by the word of God. *He spake the word, and it was done*, Psal. 33. 9. It's so in his Ordinances; God, in calling *Magistrates Gods*, doth thereby constitute them *such*; He advances them above the condition of ~~the~~ other men, and doth thereby associate them with himself in the Government of the World; and authorize them to be, and to act as Gods.

2. A *Candid Construction* must be given to the stile: For he that sayes of *Magistrates*, *Ye are Gods*, sayes elsewhere, *Besides himself there is no God*. And 'tis the first Commandment in the Law of God, That we have no other Gods before him. So unless that an Interpretation and Restriction be put upon the Text, we shall be cast upon the blasphemous mistake of *Murcion*, who observing God to Command his People to rest on the Sabbath day, and at the Seige of *Jericho* to goe round about the City Seven days together, one of which must needs be the Sabbath; he accuseth God of inconstancy in his will, and inconsistency in his Commands. *Judeis fixit legem, non sibi ipsi*, so *Tertullian* answered him; and so must we our selves: He who restraines us from making to our selves any other Gods, doth not restraine Himself from setting such over us, who shall be as Gods, to us, and honoured as such by us.

3. God hath said; Therefore is there an answerable

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Expectation in him, that *Magistrates* be what he hath made them; and carry themselves worthy of their stile: that they execute Justice and Judgment in that Sincerity and Constancy, as God himself would doe, did he govern the world by his own immediate voice.

The like Expectation hath God from the *People*, that they reverence, fear, love their *Governors*, and be obedient to them, *actively* in all lawful Commands, and *Passively* in all other; considering whose Name they bear, and whose Authority they have.

2. *To whom: Magistrates.* The scope of the Psalm evinces this, which shews, that *Order and Government* is of God: *Magistracy* is his Ordinance: *Magistrates* are by him designed and advanced to their office. God is present with them, to observe, assist, and prosper them; to punish their Miscarriages, and to reward their faithful services.

3. *What is spoken.* *Ye are Gods, and all of you are Children of the most High.* Gods

1. Not *Essentially* such. Not Gods of the same infinite Nature and Excellency with the Lord *Jehovah*, the God that calls them Gods. The *Redemption* of the World was a work of that difficulty, and so pleasing unto God, that the glorious Person employed in it, is God indeed, in the *Literal* sense, without a *Metaphor*; The God of *Heaven* did then come down to the *Earth*, and dwelt amongst men, in the likeness of man.

The *Government* of the World, though a great and difficult work too, is executed and managed, not by God made *Man*, but by *men* made Gods. But to these we may suppose God speaking, as *Pharaoh* did to *Joseph*, whom he made Ruler over all the land of *Egypt*; *According to thy word shall all my People be Ruled; only in the throne*

throne will I be greater then thou; Gen. 41. 42. God doth not deliver up his Sovereignty to them, nor divide it with them. *Magistrates* cannot assume to themselves, what the flattering *Poet* gives unto *Cæsar*, *Divisum imperium cum Jove Cæsar habet*. Absolute Sovereignty is too much for the noblest Creature to receive, and for the most bountiful God to give. Its inconsistent with the *Unity* and *Infiniteness* of God's nature to constitute *other Gods* in this sence. God advances no Creature so High, nor gratifies any Service so much, as, with *Herod*, to promise to the half of his Kingdom.

2. Nor *fictionous*, *imaginary*, *precarious Gods*, that have no other *Deity*, then what their fond worshippers do falsely ascribe to them. *Idol Gods* are *Gods* of men's making, the *Gods* of the Text are *Gods* of God's making: as the word in the former sence carried the Title too High, to be given to any mortal man, so in *this*, it layes it too low, to apply to such excellent and useful persons as *Magistrates* are.

3. But *Gods constituted and ordained* by God, substituted under him, to act for him in governing the World. *Vice-Gods*, representing the *Person* and *Majesty* of the true God, invested with his Authority, and doing his office, in giving Laws to men, and Executing the same, to maintain Order, Justice, Equity, and Peace among men. *Dii, non propter societatem naturæ, sed dignitatem officii.* *Gods Vice-Gerents*, his *Lieutenants*, whom he hath called by his own Name, and set on his own Seat. The *Magistrate* is, as *Theodore* says of *Christ*, exalted to the right hand of God, *subsecutus*, *Deo factus*, made Co-assessor with God in the throne of judgment. And as *Christ* grants to the *Saints*, who are made Kings and Priests unto God, to sit on *his* throne, and with him to judge the World

at the last great Assize; so doth God take *Magistrates* into fellowship of government with *himself*, and sets them on *his* throne in these lower Courts of Justice, that they may with him and for him, judge the World in Righteousness.

Thus *Solomon* is said to sit on the Throne of the Lord, as King, instead of *David* his Father, 1 Chron. 29. 23. Ἐδοξα ὑμῶν τὴν τιμὴν τῶν ἐμῶν, καὶ τὴν τάξιν, καὶ τὴν κλῆσιν, ὡς ἂν ἐμὲ κείναντες ἔλαβον. Thus *Justin Martyr*. I have given you my own Honour, my own Place, my own Name; therefore do you judge the People, as I my self would judge them. ὑπαρέτης Θεοῦ, the *Servant of God*, so the *Magistrate* is called by *Plutarch*; and by *St. Paul*, Διόκοντος Θεοῦ, Rom. 13. He is the *Minister of God* to thee — which Title doth not only maintain the Honour, and keep inviolable the Sovereignty of God, but also adorns, and adds to the Royal Titles of the greatest Monarchs on Earth. Nor is it the piety of Christian Kings only, which accounts it their greatest honour to be the *Servants of God* in governing the World, but the Policy of all Kings to glory in this, that they receive their Authority from God. *Numa Pompilius* one of the first Kings of that, afterwards, flourishing and victorious City *Rome*, laid the foundation of its greatness, in possessing the People of this persuasion, that he received Laws immediately from heaven.

I have said ye are Gods, — And all of you are Children of the most High.

Here's no accumulation of Titles, upon *Magistrates*, but an *Embellishment* of the former.

To be called Gods, is so magnificent and comprehensive a Title, that it needs none, nor admits any other, to follow it. This latter Clause of the verse is *Exegetical*

cal, and further declares the sence of the former. And where there is a Reduplication of Expression, and more words are used to represent the same thing, it puts a greater remark upon what is spoken.

1. *As Children, associated with God* in the Government of the World; as some of the *Emperours* took in their Sons to be their Colleagues in the Empire.

2. *Dear unto God, as Children*, whom he will protect, defend, and guide, while they, by his appointment, are employed for the protection, defence, and Government, of his People.

3. *Made like unto God as Children*; not only, as they are through the dignation of God, made like him in Honour, Majesty and Authority; but in Wisdom, Magnanimity, Clemency, and other abilities for Government. *Εμὼν ὁμοεικὸς εἶμι*, *The lively image of God*; so the *Magistrate* is called in respect of accomplishments for government.

The *Images* of the *Heathen*, consecrated by their *Priests*, were believed to be Enlivened by *Those* whose Images they were, and so were worshiped as gods. *Magistrates* made *Tutelar gods* to us, to defend and govern us, are accomplished and fitted by God, whose Image they bear, for the Service they are appointed to. *God gives Saul another heart*, 1 Sam. 10. 9. *Cor aptius ad regendum Civis*. *Pharaoh* discerns in *Joseph* the Spirit of God; the Spirit of a Magistrate. God bestows on *Solomon*, *Wisdom and Royal Majesty*, 1 Chron. 29. 15.

Vos omnes — *And all of you*. What is said *Indefinitely* before, is now expressed *Universally*, made to concern *All Magistrates*, as well *Subordinate* as *Supreme*, both in the *priviledges* and *obligations* of the Grant. So that he that sits in the *lowest* seat of *Judicature*, must know him-

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self associated with God in Government, and obliged to act *as* God and *for* God in his place. Having thus shewed in what sence this *great name*, put upon *Magistrates*, is to be taken: I shall now shew in what *respects* it is applicable to them, and wherein stands the *Analogy* betwixt their *Office*, and their *Title*.

Magistrates may be truly called *gods*, in respect of,

1. Their *unlimited Authority*.
2. Their *mighty Power*.
3. The *Unaccountableness* of their actions.
4. The *Peoples necessary Subjection*.

To make good these *Particulars* I must premise *Three* things. 1. That *Magistrates* be taken *Collectively*, and in a *complex* sence, for the whole order of *Magistrates*, supreme and subordinate. 2. That God's *Sovereignty* be reserved to him Entire. 3. That what *Comparison* is made, may stand betwixt the *Magistrate* and the *Subject*. These supposed: The *Magistrate* hath such *Authority* within his *Dominion*, as none can set bounds to; The *Legislative Power* has no restraint, saving what it puts upon it self, but may enact what *Laws* it pleases for the well governing and protecting the *People*.

And as none can controll the *Authority* of the *Magistrate*, so none can resist his *Power*. There is a kind of *Almighty power* in his hand. The *Posse Comitatus* is great, but the *Posse Regni* is far greater, having no *Competitor*, to compare with it, nor *Adverse Power* to oppose it. The whole force of the *Kingdom*, *Military* and *Civil*, is of right lodged in the *Magistrate*. *Resistance* is not only *impious*, being expressly against the *Ordinance* of God, but *imprudent* too, for it certainly makes men *obnoxious* to eternal punishment; for so the *Apostle* says,—*They that resist, shall receive to themselves damnation*; and
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and it doth almost as certainly expose men to temporal punishments; for seditious practices are rarely prosperous, and if they be, *those* seldom hold that power long which they wickedly wrest out of the *Magistrates* hand: and then they fall under his justly incensed wrath.

But supposing the subordinate *Magistrate* not wanting to the *Supreme*, either in diligence, fidelity, or courage, there is scarce a *possibility*, much less a *probability*, of resisting the Power with success.

Nor can any call the *Magistrate* to account for his carriage in his office. The subordinate *Magistrates* owe an account to the *supreme*, and the *supreme* to God *Almighty*, who alone is his superior. To take an account is an act of Authority; the Subject therefore having no Authority over the *Magistrate*, cannot exact of him an account of his government. *Where the word of a King is there is power, and who may say to him, what doest thou?* Eccl. 8. 4. *Dei, non subditorum judicio et censura obnoxius est*, is a good gloss upon the place. To affirm this, is not to abandon Religion, Liberty, and Property, to tyranny and oppression: for the *Magistrate* is tyed up by Law how to govern, and by Oath to govern according to Law. And though the supreme *Magistrate* owe an account to none but God, yet seeing he acts by subordinate Powers, and one subordinate Power may call another, to account before the supreme, all is in safe condition. And that which adds to our security under *Christian Magistrates* is this, that they account it the greatest obligation to discharge themselves worthily in their place, that they stand accountable to God, the righteous judge, who has intrusted them in the great affairs of Government.

Lastly, The People's necessary subjection doth yet bring the *Magistrate* to a nearer resemblance of God. *Te must needs*

needs be subject, not only for wrath, but also for conscience sake; Rom. 13. 5. St. Paul presseth subjection to the Magistrate upon a double principle, his *Just Authority* and his *mighty power*. The Subject owes obedience to the Magistrate; *active* obedience where his commands are *lawful*, that is, not contrary to the commands of God: otherwise it is not to be paid; That matter has been determined in a full Council of the Apostles, Acts. 5. 29. Then Peter and the other Apostles, answered and said, We ought to obey God rather than men. And the Equity of the thing seemed to them so great, that they dared to appeal to their adversaries in it, Acts. 4. 19. Whether it be right in the sight of God, to hearken unto you more than unto God, judge ye. The Commands of a Subordinate power cannot prejudice the Authority, nor evacuate the Commands of the Supreme: and such are all earthly powers in respect of God's; and therefore must the commands of God stand valid, however opposed by any Commands of men.

Passive obedience is to be paid where Active cannot. Where the Magistrate's Commands are thought to be, or indeed are, *unlawful*, there must be a silent, patient yielding to them; so far, as to bear quietly such punishment as shall be inflicted for default of Active obedience.

These Prerogatives annexed to his Office do draw the Magistrate so near to God, that he is pleased to honour him with his own Name.

Having now passed through the several Particulars of the Text, let us make some reflection upon the whole matter; and

1. Give glory to God, and Congratulate our own happiness, that we live under the kind and benevolent influences of such *terrestrial gods*, as are able and willing to defend

send and protect us, and to dispense to us the best advantages of Government.

Government has been found *beneficial* and *necessary* by experience of all ages; but what *kind* of Government is *best*, has been hotly disputed both by *Sword* and *Pen*; Some *liking*, others *disliking* that most, which themselves were under. The happy Government we of this Kingdom are under, gives an instance, not so much to *decide* as to *compose* the controversy. *Ours* though a *Monarchy*, calls in both the *Competitors* of Monarchy, to it's assistance, and makes use of what is useful both in *Democracy* and *Aristocracy*, and rejects what is not, and so makes up one Government of them all *three*; and this *one* so compounded is better, and more conducing to the best ends of Government, than any of the *three* distinctly taken. To the high commendation of it, we have the suffrage of a late able States-man, *Philip Comines*, who declares, that amongst all the *Seigniories* in the World, *England* was the Country, where the State was best ordered, and where there was the least violence and oppression upon the People.

And to compleat the praises of *our Government*, and our rejoycings under it, we may say of *England* as *Josephus* did of *Israel*, *Dens in Israele non tam Monarchiam quam Deiarchiam instituit*. We live under a *Theocracy*, not only in the common notion, as all the whole World doth, that Government is God's Ordinance, and he is the supreme Potentate: nor only in the notion of the Text, that Kings and Princes and subordinate Magistrates are Gods Vice-gerents, and honoured with the name of Gods: But for this also, that the Laws of this Kingdom, by which the government is measured, are so agreeable to the holy Laws of God, as if they had been given, as the

Law was to the Jews, immediately by God himself.

We are bound also to *Congratulate* our happiness, in you, *My Lords*, and the rest of the honourable and Learned *Judges* of the Land, who twice by the year bring the Execution of the Laws and the Administration of justice even to our own doores; where justice may be most duly executed, and with least charge to the People. We acknowledge this a happy kind of *Polytheism*, that we have so many *gods*, as the Text stiles you, placed on our *Tribunals*, to whom we are to pay, though not *divine*, yet such civil worship, as is due to those eminent Persons, whom God has set upon his own seat, and to whom he hath committed the care and protection of his People.

2 We will bring our selves up to a just *veneration* of the *Persons* and *Authority* of our *Magistrates*, and resolve to obey their Commands and submit to their sentence; that our esteem, love, fear, of them, may bear proportion to that relation God hath taken them up unto himself. The name of God put upon them makes their *Persons* and their *Office* sacred; and ought to secure their *Persons* from all injuries, affronts, assaults, and their *Office* from being invaded by any; *Curse not the King, no not in thy thought*, Eccl. 10. 20. The safety of the *Supreme Magistrate* is there provided for: *And curse not the rich* (viz. the *subordinate Magistrate*) *in thy bed-chamber*, for a bird of the ayre shall carry the voyce, and that which has wings shall tell the matter. *Angelus it volans in aere cali* — So the *Chaldee Paraphrase*. *Magistrates* are declared *gods*, and *Angels* are at their service, to make timely discoveries of most secret conspiracies against them.

Crimen læsæ Majestatis was by the *Roman Laws* of highest nature; And to assault the *Person*, and resist the *Power* of the *Magistrate*, is in the sense of the *Text*, to fight against God.

Philo

Philode legibus doth greatly aggravate the Sin of *Murder*, because it's committed against a person made after God's own Image. It's called, says he, Ἀνθερπονία, but it is, *ιεροσυλία*, καὶ *ιεροσυλιῶν ἡ μεγάλη*, ὅτι τῶν ἐν κόσμῳ κλημάτων ἡ καμμλίαν, ἔδδν ἔτι *ιεροπρεπέστερον* ἔτι *διοειδέστερον* ἔστιν ἀνθρώπου. It is *Sacriledge*, and the greatest *Sacriledge*, because there is nothing of all the most precious possessions in the World so *Sacred* and so *like unto God* as *man* is. The aggravation of the sin would be carried much higher, if committed upon the person of the *Magistrate*, for so it is *Θεοπονία* *Deicide*, a killing of one advanced to the stile of *God*.

To depose *Magistracy* it self, by false opinion, as they do, who hold it unlawful for a *Christian* to bear the office of a *Magistrate*, and, that *Christians* need no other *Laws* than those of *Christ*, and no other *King* than King *Jesus*, is a kind of *Speculative Civil Atheism*; and to put such fond opinions in practise, is *Practical Civil Atheism*; and to set up others in competition with the lawful *Magistrate* is *Civil Idolatry*. For *Magistrates* are *gods*, not *Nuncupative* onely, having the name of *God* and *no more*, but *Gods* indeed, invested with the *authority* of *God*, and armed with his *power*, to govern the World.

This should give a check to all aspiring minds, and put a stop to all seditious counsels, and rebellious practices. The charge *Moses* brings against *Corah* and his seditious company, is, *That they were gathered together against the Lord*: the same is justly to be brought against all seditious and rebellious persons, that rise up against their lawful Prince.

And seeing *Rulers* are called *Gods*, the *Devil* is an unfit *Instrument*, and wicked *artifices* are *undue means*, to advance any person to any, especially *supreme*, *Authority*. The *Devil's* counsel and assistance, to make *man* equal

with God, succeeded ill to the *Protoplasts*; for in stead of being advanced to equality with God, they were levelled with the Devil, both in *Sin* and *Misery*.

But if any ambitious Spirits shall try the experiment, and prosper; where they owe their advancement, there they will pay their homage: Such will prove, if gods, those of the lower Region, *Diabolical Deities*, to torment, oppress, tyrannize over the People.

And now, *my Lords*, and *you Gentlemen of the Magistracy*, the matter requires, that I make my Application to you, as to the Persons treated of in the *Psalm*, and advanced in the Text.

But I should transgress the limits of my own duty, should I take upon me to admonish you of yours. For though I stand here in the place of God, and am of those who are *Ambassadors for Christ*, and might therefore use great boldness of speech: yet I must remember, the Text advances you much higher, and ranks you with God himself; and so sets you far above the reach of my Instructions.

As I have therefore, *my Lords* and *Gentlemen*, by warrant and authority of the Text, set you in the place of God, I shall address unto you as unto Gods, in behalf of myself and this People, with our humble Petitions and Supplications, That you will be Gods to us, to defend us in our just rights, both *Religious* and *Civil*, to execute justice and judgment, for the preservation of Truth and Peace amongst us.

Religion is the chief thing in our esteem, and must have the first place in our Petition. Civil affairs will succeed better, when Religious are first secured. Ἡρώτων ἢ τοῦ τοῦ
Religion *impulsa*; Ante omnia sit tibi cura rerum divinarum;
 was a *Maxime* in the *Politicks* of the Heathen.

We

We call not for *Innovations* in Religion, but for the *Preservation* of it, as now by Law established, being fully satisfied in it, both as to *Substantials*, and *Circumstantials*. The Doctrine, Discipline, Government, and Ceremonies of this *Church of England*, are agreeable to the *Holy Scriptures* : And Religion is in no other Church, professed in greater *purity* than in *this* of ours ; and *this*, some of the Reverend Fathers of our Church, eminent for Piety and Learning, have, to the *Glory* of our Church, declared *dying*.

That the *True, Reformed Christian Religion*, as it is now by Law established in this Kingdom, be preserved and we be *protected* and *incouraged* in the *profession* and *practice* of it, is our earnest *Petition*.

Our blessed Saviour, in his *Personal* sufferings, was crucified betwixt two *Theives* : but they were only *sufferers* with him, not *actors* in his sufferings. Now in his *Mystical Body* the Church, he suffers betwixt two sorts of People, which, had they power, I fear, scarce either of them would deserve a *softer* name : and *these* are not *sufferers* with Christ, but *actors* in his Sufferings. The one sort are those, who by their many corrupt and erroneous doctrines, complained of, and not reformed, did force our Fore-Fathers to use such lawful meanes as the Constitution of this Kingdom put into their hands to reform Religion and to depart from their Communion.

The other are those, who, like unskilful Physicians, never leave purging, till, with the *Corrupt humor* of the body, they take away the *Life* also.

These without any lawful *Authority*, or any pretense thereto, withdraw from our Communion, because as they think, we have not withdrawn far enough from the Church of Rome.

These

These two *Factions*, though *distant* from each other in their *heads*; holding opinions dissonant if not contrary: yet, like *Sampson's Foxes*, are joyned together by the *tayles*, to draw lighted firebrands into our *Church* and *State*, to destroy *both*.

They are, like *Herod* and *Pilate*, enemies to each other, but easily made friends, to become, *both*, greater enemies against *Christ*.

The latter take their measures for their *Confidences* and *Insolences*, from the growing hopes of the *former*, by whom they are thought to have been at first formed, and now secretly abetted. So that if the *one* be held within due bounds, the *other* is not like to prove a dangerous *Enemy*.

The *Papists* are the more formidable *Enemy*, as having a settled *Church*, under a government, and being counselled and aided by men of *great* parts, *Learning* and *Interests*, and *large* Conscience; and chiefly from that pretense they have to *Jurisdiction* in this *Kingdom*, of which they make great use, to gain *Profelytes* and to hold *weak Converts*.

“ A fatal thing it has been (as a person of learning and honour observes) to the *City of Rome*, to usurp over the *World*; first, by holding in a temporal subjection, all the *Countries* of her neighbour *Princes*; since, by bringing into thralldom the *Hearts* and *Consciences* of *Christians*. First, by intruding upon the inheritance of *men*, then by encroaching upon the heritage of *Christ's* own purchase.

To speak of the *Jurisdiction* of the *Bishop of Rome*, would be too long a discourse to insert here, and too great a digression from the matter before us; I'll onely say this. The Title of *Universal Bishop of the Church*,

was

was given to the Bishop of *Rome*, by an Emperor, who ascended the Throne by treason and murder, and made that Bishop (although the Title had been lately not only *disclaimed* but bitterly *declaimed* against, by his almost immediate Predecessor) *Head of the Church*, that he might abett and assist him, who had made himself *Head of the State*.

And for his *Jurisdiction* in *England*, it was gotten, partly by *intrusion* and *usurpation*, and partly by *imposing* upon the *facile nature* of some in high place, which having been, in several ages since, complained of and declared against, was at last justly cast out, not by *Popular fury* and *saſſion*, but by the *deliberate Counsel* of pious and learned Divines in Convocation assembled, by the expresse Authority of the King then reigning, and ratified by the three Estates in Parliament.

The *Protection* we crave against these men, is not against their *arguments*, but their *cruelties*. They do, *without cause*, complain of our *sanguinary Laws* against them; but we have too *much cause* to complain of their *sanguinary Doctrines*, which as occasion has served, have been put in practise, by barbarous and savage cruelties against us. We know in what account the *reformed Christian* stands with them, and how persons so reputed, are dealt with by them; which makes us justly dread the thoughts of coming again under their power, and to beg of *you, my Lords*, that Protection which the Law provides for us.

If they shall please to call this *Persecution* (as they are apt enough to cry out, not, as we say, before they are hurt- but if they may not hurt us,) and to call that, *Persecution against them*, when their hands are tyed, that they cannot

cannot persecute us, we are content, so far to be reputed Persecuters.

As to the *cause of Religion*, we desire you, to use the *Civil Sword* to protect us of the *Clergy*, in the Profession and Exercise of it, no further than we shall be able, through the grace of God, to use the *Sword of the Spirit*, to defend the Doctrine of it, against all adversaries whatsoever.

We are so well assured of the *goodness* of our *Cause*, and have of late been so well awakened by the *insolencies* of our adversaries, that the weapons of our spiritual warfare, that before lay in their rust, when no adversary appeared, are now furnished up, and appear able to defend us. But against their cunning contrivances, and secret conspiracies, against their bloody massacres and open violences, we have no means to defend our selves; onely our *Prayers* are unto God, who is a God of *truth*, and delights in the safety of *those* that stand up for the *truth*. Our *Prayers* are also unto you, whom God hath stiled *Gods*, under your shelter we betake our selves. *Umbra Principis est umbra Dei*, So the *Arabick* Proverb: Under your shadow we hope to be safe. You are Gods, not *Titular* gods, who have the name of God and nothing else, but *Tutelar* Gods, to whom our defence and safety is committed.

There is another sort of People yet remaining, who are a dishonour to *Religion*, and hinderers of it, both in the publick exercise and pious practise: I mean the *Atheist* and *Profane*; I put them together, for they both live without God in the World: the *one*, *impudently* with his mouth, the *other* *Sinfully* in his heart and life, says, *There is no God*.

The emptiness of our seats in our solemn assemblies proceeds chiefly from these mens contempt of the holy Ordinan-

dinances of God. The greatest profanations of the Lord's day are from these.

The ancient Heathens, not understanding that the *Sabbatical rest* was appointed, not to satisfy the flesh with ease and sloth, but to make way for work of a higher nature and greater concern, to be performed by the whole man, derided the *Institution* of the *Sabbath*. And *Seneca*, as *St. Augustine* observes, doth unjustly accuse the *Jewish Sabbath*, as depriving men of the *seventh* part of their time; and as devoting that to idleness which might be profitably spent in their lawful employments: and, as if the God of the *Jews*, wearied out with his six dayes labour in creating the World, did devote the seventh day to his ease and refreshment.

Our modern Heathens, by their loose observance of the Lord's day, seem of the same opinion with the Ancient, while they either grudge to have it give intermission to their secular affaires, or else spend it wholly in sloth and carnal pleasures.

Your severer Eye, my Lords, upon these persons, might happily cast an awe upon them, to spend the Lord's day, with more conscience, or at least less scandal.

Our Civil rights come next into our thoughts, and present themselves to you, my Lords, in our *Petition*, that Justice be administred, for the preserving to every man his right in possession, and the recovering it, where he is disseized.

And here all persons concerned in this Court, either in bringing any Cause to tryal, or in preparing it for judgment, are to be earnestly requested, that they do what truth and justice requires of them.

You that bring the *action*, do not bring *trivial* matters before my Lords the Judges, for they sit on the tribunal

of the great God. Do not move vexatious Suits, to disquiet your neighbour without Cause. *The Law is good*, as the *Apostle* says of the Law of God, if a man use it lawfully, namely, to preserve or recover his just right. Do not bring an unjust Cause, in hopes of good success, either through the wisdom and eloquence of your Council, or favourableness of your Jury, not to mention any other more sinister means. For as an Angel of God, so is my Lord the King to discern good and bad: and, my Lord is wise according to the wisdom of an Angel; this is said of David, and may be applied to others, whom God hath placed on the seat of Justice.

It would make much for the honour of the long Robe, and give check to contentious Spirits, if the Learned Council would refuse the Patronage of such Causes, as appear unto them manifestly bad. I do believe some causes, are declined by those worthy Persons, upon this very account, because their integrity and generous minds, will not suffer their choyce parts, and great accomplishments in knowledge and eloquence, to engage against the truth, least they should serve too happily to bear down a Righteous Cause.

And many times where Persons of integrity and worth are retained in unrighteous Causes, the blame may justly be cast upon the Client, who out of a natural partiality to himself, misreports his Cause, and puts such a disguise upon it, that the blemishes of it are not seen by his Council. He declares his cause before his Counsel as before his Judge, not as to the person who is to advise him in it, but as to him, who is to give sentence upon it.

Witnesses have a singular usefulness in judicial proceedings. If they perjure, and attest what is false, they are an unavoidable obstruction of justice: judgment proceeds

ceeds *secundum Allegata et Probata*: it's the proof that gives weight to the *allegation*; and that lyes upon the *witnesses*. If they give false evidence, the very nature of the thing is thereby changed; a *being* is given to that which *is not*, and taken away from that which *is*. For in *Courts of Judicature*, the *appearance* is more than the *essence*; *Quod non apparet non est*; and what is made appear, though by false evidence, is supposed and adjudged to be. Therefore false witnesses do, in the Prophet's Expression, *Justifie the wicked, and take away the righteousness of the righteous from him*.

Jurors are as much concerned as any, in the administration of justice, and therefore must be addressed to in our request. The Law takes them for good and lawful men, and if we make them participants in the stile of the Text, though in the lowest degree, we advance them much higher, and they indeed are the judges in all causes: though they sit not on the *Seat*, yet do they the Office of the *Judges*; They bring to the *Bar*, that sentence which the *Judge* pronounces on the *Bench*.

As if like your selves, like men of *repute*, as men advanced to great *employment* and *trust*. The *lives* and *estates* of others are in your hands; stand upon your credit, and do nothing base and unworthy.

Look not now upon your selves as you are in your *private capacity*, but what you are in your *publick employment*. You are summoned hither upon the credit of your abilities, and integrity; you are impannelled into *Juries*, and so made *Judges*, in matters *criminal*, betwixt the King and his People; in matters *Civil*, betwixt man and man: shew your selves, in your present service, persons worthy of such *credit* and such *trust*.

Here are no *καὶ ἄνομοι*, no mute persons, as in Comick affaires; whose bare appearance on the Stage is their whole service. These *judiciary* proceedings are solemn actions; every person employed has his necessary use. Here are not *Twelve* men impannelled; that *Eleven* of them may stand as *Ciphers*, and the *Fore-man* do the whole service; He for order and decency speaks, but it is the *Sentence* of the *whole Jury*, not his *own single judgment*.

Jurors and *Witnesses* are both under strongest obligations to discharge their duty. They are Sworn in the presence, in the name, and to the service of God, who is a righteous God. You are all of you to take that Oath solemnly, with *understanding*, *consideration*, *reuerence*, and *resolution* to observe it, and not onely as a thing done in *course* and out of *custome*. *Witnesses* are bound by Oath, to give evidence according to the truth so far as they know, and *Jurors* to give sentence according to their evidence. Neither the *one* nor the *other* must be byassed by *sinister affections* or *ends*, but both make it their business, that *right* may be done; the *one* that *truth* appear; the *other*, that it prevail.

Neither shalt thou countenance a poor man in his cause, *Exod. 23. 3.* God doth not give this Command, to cast the poor out of the protection and care of the Law, and to expose them to oppression without remedy, (for the gracious God delights to be the helper of the helpless) But that the *merits* of the cause, and not the *necessities* of the Person be looked upon. *τὸ δίκαιον μὲν ἐκείνου ἐστὶν ἡ κρίσις.* Here is required, says *Philo*, an inflexible rigour and inexorableness against supplications from the poor, and commiserations in our selves of them.

And if not the *Cries of the poor*, which are the most powerful charms, if these must not prevail to pervert Justice

stice, then much less any thing else, as fear, favour, hopes of reward. If God will not have justice obstructed, for the sake of his greatest favourite much less will he, for any man else.

Non ornabis causam ejus phaleratis verbis: the precept, thus glossed on, seems chiefly directed to the *Council*: they must not, by witty insinuations and eloquent language, put a *faire* colour upon a *foul* cause, no not when a poor man's concern is in it, and by that means baffle the *Witnesses*, and blind the eyes of the *Jury*.

There is no respect of persons with God, nor must there be with you, who bring the causes of men before those, that sit on the Tribunal of God. Gifts and hopes of reward are great preverters of Justice, and must be avoyded by you as Snares cast in your way.

In *Criminals*, be very tender of the lives of men. Let *Witnesses* be well assured, that it is the truth onely, and not any wayes aggravated, which they give in evidence; and *Jurors* that they have *sufficient, clear evidence*, for such sentence as touches life.

Yet, because the life of the offender is at stake, let not fond pity move the *Witnesses* to suppress, or the *Jurors* to oppress the truth.

Punishment is oftentimes *medicinal*, and reclaimes malefactors; but if the *medicine* proves so *Sharp* as to kill the *patient*, it usually hits of another happy effect, and becomes an *Antidote* to many.

One ill effect of *fond pity* is this; what is *pitty* towards one, is *cruelty* both to him, and many more: It justifies him in his sin, and multiplies the number of offenders, and their outrages upon the *persons* and *estates* of the innocent. For he that comes off well upon an inditement for Felony, or Murder, or any other crime, will be ready to

to pass as favourable a sentence upon himself, as his Jury has done, and so instead of repenting, he justifies himself in his sin; and in hopes to find his *next* Jury as kind as the *present*, he runs into like wicked Courses, and draws in others into confederacy with him. There is another thing yet, considerable in this matter: *whosoever* shall, as a *false witness* or *perjured Juror*, acquit a guilty person wittingly, besides that he doth a thing abominable to the righteous God, *justify the wicked*, he makes himself a real great offender, to make the *malefactor* seem an innocent person: he makes himself guilty of *perjury*, to acquit the other of his *theft*, or other *Crime*.

But being *desired*, where I might have been *Commanded*, to be short, I will no longer detain this Honourable and great assembly, from the important service that attends them.

I shall now make my humble address to Almighty God, That he who has called *you, my Lords*, by his own name, set you on his own throne, and employed you in his own work, would be graciously pleased, to *protect, direct, and prosper* you, in these your great affaires: And that he will also so guide and over-rule the *Body* of this County, met here this day to assist your Lordships in the administration of Justice, that every one may carry themselves in their several employments at *this Affize*, with that diligence and faithfulness, as those who are to give an account of all, at the last and great *Affizes*, where *Christ himself* shall sit upon the Throne of Judgment.

F I N I S.

